

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP – GADWAL – Mahabubnagar District – Makthal (Mandal) Gaddampalli H/o.Anugonda (Village) – O.P.Nos.24/06, 25/06, 26/06, 27/06, 28/06, 29/06, 30/06, 31/06 and 32/06 (total 9 O.Ps) – Sanction of decretal charges of **Rs.1,86,87,151/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 811

DATE:07.11.2008

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr. No.SRP4/918/08,dt:20.09.08
alongwith the letter of Spl.Collector, LA, Bheema Project, Mahabubnagar.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.Nos.24/06, 25/06, 26/06, 27/06, 28/06, 29/06, 30/06, 31/06 and 32/06 (total 9 O.Ps) pertaining to Gaddampalli H/o.Anugonda (V) of Makthal (M), Mahabubnagar District. The then SDC, LA, PJP, Gadwal had acquired an extent of Ac.37.20 cents in the limits of Gaddampalli (V) H/o.Anugonda (Village) of Makthal (M) by fixing the market value @Rs.45,000/- per acre or Rs.11/- per sq.mtrs through Award No.3/2006, dt:10.03.2006. The awardees have filed petitions u/s 18(1) of the L.A.Act for adjudication. The Sr.Civil Judge, Narayanpet in its orders dt:28.03.2008 had delivered judgments by enhancing the market value from Rs.11/- to Rs.84/- per sq.mtr. The Asst.Govt.Pleader, Gadwal has opined that the enhancement is abnormal and it is fit case for appeal and obtain stay orders. The SDC has filed appeal material to the Govt.Pleader for Appeals. The G.P for Appeals have returned the appeal proposals and informed that as seen from the judgment, the said judgment relied upon on judgment in O.P.No.648/99 and batch which was confirmed by the Hon'ble High Court in A.S.No.2784/2000 and batch dt:06.02.2000 as well as the Hon'ble Supreme Court in SLP CC Nos.3389/3390 of 2004. He has further stated that the time gap of 11 years between the notification and date of Award. Taking into consideration the said time gap, the Lower Court has rightly escalated the market value by @10% for a period of 11 years. As such the value fixed by the Lower Court is just and proper and there are no merits to prefer appeals against the O.Ps in the Hon'ble High Court and advised to comply the orders of the Lower Court at the earliest to avoid payment of exorbitant rate of interest.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.1,86,87,151/- (Rupees One crore eighty six lakhs eighty seven thousand one hundred and fifty one only)** in respect of O.P.Nos.24/06, 25/06, 26/06, 27/06, 28/06, 29/06, 30/06, 31/06

and 32/06 (total 9 O.Ps) pertaining to Gaddampalli H/o.Anugonda (V) of Makthal (M), Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

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3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (26) - Dams and Appurtenant works - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of re-appropriation.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.SP.13365/F2(2)/2008-1, dated 29.10.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA,Bheema Project, Mahabubnagar.
The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No. 26852/LA-III(A2)/2008.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER